

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

APR 28 2014

LAVERN BERRYHILL,

Plaintiff,

vs.

UNITED STATES OF AMERICA et al.,

Defendants.

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ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY DEPUTY

No. CIV-14-288-W

ORDER

On April 4, 2014, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation in this matter and recommended, inter alia, after conducting the preliminary screening required by title 28, section 1915A(a) of the United States Code, that the Motion for Leave to Proceed in Forma Pauperis, see Doc. 2, filed by plaintiff Lavern Berryhill be denied as moot and that the complaint be dismissed as legally and factually frivolous under section 1915A(b)(1). Berryhill was advised of his right to object, see Doc. 6 at 4, and the matter now comes before the Court on Berryhill's affidavit submitted in support of his right to proceed under title 28, section 1915(g) of the United State Code, see Doc. 8, and an Emergency Petition for Injunction and Mandamus ("Emergency Petition"). See Doc. 7.

Upon de novo review of the record, the Court finds no merit to Berryhill's requests for relief as set forth in his complaint, see Doc. 1, or in his recent Emergency Petition. Rather, the Court finds dispositive Magistrate Judge Erwin's recommendation that this matter be dismissed under section 1915A(b)(1).

Accordingly, the Court

(1) ADOPTS the Report and Recommendation [Doc. 6] to the extent stated;

(2) deems MOOT all pending motions;

(3) pursuant to section 1915A(b)(1), DISMISSES this action as frivolous; and

(4) FINDS for the reasons articulated by the Honorable Robin J. Cauthron, United States District Judge for the Western District of Oklahoma, who also has been confronted with Berryhill's "offensive and/or abusive documents," Berryhill v. United States of America, No. CIV-225-C, slip op. at 1 (W.D. Okla. May 22, 2012), that because this case has been dismissed, any future papers (including any papers seeking reconsideration), other than those documents necessary to perfect an appeal, that are submitted by Berryhill in this case will not be filed by the Clerk of the Court, but will instead be returned by the Clerk to Berryhill. See id. at 2.

ENTERED this 24th day of April, 2014.


LEE R. WEST
UNITED STATES DISTRICT JUDGE